

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

**IN RE: APPLICATION FOR CERTIFICATION AS :
ELIGIBLE RENEWABLE ENERGY RESOURCE : DOCKET NO. 4971
FILED BY KEARSARGE TURNERS FALLS LLC – :
NEW GENERATION :**

**IN RE: APPLICATION FOR CERTIFICATION AS :
ELIGIBLE RENEWABLE ENERGY RESOURCE : DOCKET NO. 4972
FILED BY KEARSARGE ACUSHNET LLC – :
NEW GENERATION :**

ORDER

I. Overview

On September 5, 2019, the Public Utilities Commission (PUC) received two applications from companies seeking certification of their projects as eligible New Renewable Energy Resources under Rhode Island’s Renewable Energy Standard (RES) and the PUC’s Rules governing the Implementation of a Renewable Energy Standard (Rules).¹ The first application, submitted by Kearsarge Turners Falls LLC, sought certification for its Kearsarge Turners Falls Generation Unit, a 0.996 MW AC solar energy Generation Unit located in Turners Falls, Massachusetts. The second application submitted by Kearsarge Acushnet LLC, sought certification for its Kearsarge Acushnet Generation Unit, a 1.904 MW AC solar energy Generation Unit located in Acushnet, Massachusetts.^{2,3}

The PUC’s consultant reviewed the application and confirmed with the applicant that both Generating Units, located in Massachusetts, would be participating in virtual net

¹ R.I. Gen. Laws § 39-26-1 to 10; 810-RICR-40-05-2.

² The two limited liability companies are referred to as Kearsarge LLC.

³ Pursuant to Section 2.6 and other relevant Sections of the Rules, a thirty-day period for public comment was provided during which time no such comments were received.

metering arrangements for Massachusetts-based off-takers. The consultant, therefore, recommended the PUC reject the application for certification because of a prior PUC ruling that Generating Units participating in virtual net metering arrangements outside of Rhode Island may not be qualified as eligible renewable energy resources in Rhode Island.⁴

On November 22, 2019, based on its previous holding after analysis of the RES and Rules, the PUC rejected Kearsarge LLC's applications, finding them not to qualify as eligible New Renewable Energy Resources in Rhode Island solely because they are net metering facilities located outside of Rhode Island.

Accordingly, it is

(23737) ORDERED:

1. The Kearsarge Turners Falls Generation Unit, solely because it is a net metering facility located outside of Rhode Island, does not meet the requirements for eligibility as a New, Solar Renewable Energy Resource with its 0.996 MW AC, Grid-Connected Generation Unit having a Commercial Operation Date of November 15, 2019 and located within the NEPOOL control area in Turners Falls, Massachusetts.

2. The Kearsarge Acushnet Generation Unit, solely because it is a net metering facility located outside of Rhode Island, does not meet the requirements for eligibility as a New, Solar Renewable Energy Resource with its 1.904 MW AC, Grid-Connected Generation Unit having a Commercial Operation Date of November 15, 2019 and located within the NEPOOL control area in Acushnet, Massachusetts.

⁴ See Order No. 23710 at 8 (Nov. 12, 2019), *holding* that “all net metering installations should be treated the same for consideration under the RES, whether traditional behind-the-meter or virtual/remote net metered. This means that only net metering facilities located in Rhode Island can qualify as eligible renewable energy resources under the RES.” <https://clerkshq.com/Content/PUC-ri/orders/2019/23710.htm>. The appeal period on this matter ran on November 19, 2019, with no appeal filed.

EFFECTIVE AT WARWICK, RHODE ISLAND ON NOVEMBER 22, 2019
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
DECEMBER 17, 2019.

PUBLIC UTILITIES COMMISSION



Margaret E. Curran

Margaret E. Curran, Chairperson

Marion S. Gold

Marion S. Gold, Commissioner

Abigail Anthony

Abigail Anthony, Commissioner

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within seven days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.